

AN ORDINANCE TO AMEND TITLE 10  
OF THE CODE OF EMMITSBURG  
ENTITLED VEHICLES AND TRAFFIC

\*\*\*\*\*

**BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 10, Sections 10.12.010, 10.12.020, 10.12.030, 10.12.040, 10.12.060, 10.12.090, 10.12.110 and 10.12.130 of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~[brackets and strike out]~~.

Chapter 10.12 – Stopping, Standing, and Parking

Sections:

10.12.010 - Parking near fire hydrants, intersections, etc.

**NO PERSON SHALL STAND OR PARK A VEHICLE ON ANY PUBLIC STREET OR PUBLIC RIGHT-OF WAY IN TOWN UNDER THE FOLLOWING CONDITIONS:**

~~[No vehicles shall be allowed to park or stand within fifteen (15) feet of any fire hydrant, on or within twenty (20) feet of any street intersection, on that portion of any street where bus stops or taxi stops have been granted to any person, or during business hours on that portion of any street where special parking privileges have been granted or reserved by the town for the use of its officers and employees.]~~

- 1. ON SIDEWALK OR STRADDLING A CURB**
- 2. DRIVEWAY ENTRANCES – IN FRONT OF A PRIVATE DRIVEWAY WHICH PROVIDES ACCESS TO A PUBLIC STREET.**
- 3. PRIVATE OR PUBLIC DRIVEWAYS – A PERSON MAY NOT STOP, STAND OR PARK A VEHICLE PARTIALLY IN A PRIVATE OR PUBLIC DRIVEWAY, AND PARTIALLY INTO THE ROADWAY. VEHICLES MUST NOT EXTEND BEYOND THE PROPERTY LINE OF THE DRIVEWAY INTO THE ROADWAY.**
- 4. FIRE HYDRANT – WITHIN FIFTEEN (15) FEET OF A FIRE HYDRANT.**
- 5. CROSSWALK – WITHIN TWENTY (20) FEET OF A CROSSWALK AT AN INTERSECTION.**
- 6. STOP SIGN – WITHIN TWENTY-FIVE (25) FEET OF A STOP SIGN.**
- 7. INTERSECTION – WITHIN TWENTY (20) FEET OF AN INTERSECTION.**

8. **SIGNS PROHIBITING PARKING – AT ANY PLACE WHERE STANDING OR PARKING IS PROHIBITED BY AN OFFICIAL SIGN.**
9. **HANDICAPPED SPACE – IN A SPACE MARKED AS RESTRICTED FOR THE USE OF HANDICAPPED INDIVIDUALS UNLESS DISPLAYING A HANDICAPPED LICENSE PLATE OR PLACARD.**
10. **FIRE LANE – AT ANY FIRE LANE MARKED BY A POSTED SIGN OR BY YELLOW OR RED CURBING.**
11. **BRIDGE- ON ANY BRIDGE OR ELEVATED STRUCTURE.**
12. **DOUBLE PARKING – A PERSON MAY NOT STAND OR PARK A VEHICLE ON THE ROADWAY SIDE OF ANY OTHER VEHICLE THAT IS STOPPED OR PARKED AT THE EDGE OF A CURB OR ROADWAY.**
13. **OTHER THAN WITHIN THE LINES OR MARKINGS ON THE STREET OR ON A TOWN PARKING LOT FOR THE PURPOSE OF THE DESIGNATION OF A PARKING SPACE.**
14. **PARKING ON THE STREET FOR A PERIOD OF FORTY-EIGHT (48) CONSECUTIVE HOURS WITHOUT BEING MOVED A FULL VEHICLE LENGTH.**
15. **IN ANY DESIGNATED PARKING SPACE WITH AN ADJACENT PARKING METER IF THE TIME DESIGNATION ON THAT METER SHOWS THE TIME HAS EXPIRED.**
16. **IN VIOLATION OF A VALID SIGN THAT LIMITS OR RESTRICTS PARKING BASED ON A DESIGNATED LENGTH OF TIME, TIME OF DAY AND OR/DAY(S) OF THE WEEK.**
17. **LEFT SIDE PARKING – PARKING OTHER THAN THE RIGHT SIDE OF A VEHICLE/PASSENGER SIDE TO THE CURB.**
18. **PARKING DURING A SNOW EMERGENCY IN VIOLATION OF SECTION 10.12.120.**

[2]

[10.12.020—Restraining of vehicles.]

[Any vehicle which has three or more outstanding parking tickets issued to it by the police department and that are delinquent in payment may be rendered immobile by the police department. A wheel lock restraining device will be placed on a front wheel of the vehicle in violation by a member of the police department. The wheel lock device will be removed by a police officer only when (1) fines are paid for all outstanding parking tickets issued to that vehicle; and (2) a fee of twenty dollars (\$20.00) to removal of the restraining device is also paid].



**10.12.020 – INOPERABLE UNATTENDED VEHICLES.**

**ANY MOTOR VEHICLE THAT IS INOPERABLE AND IS LEFT UNATTENDED ON A PUBLIC STREET OR PUBLIC PROPERTY FOR MORE THAN FORTY-EIGHT (48) CONSECUTIVE HOURS, AND IS NOT DISPLAYING CURRENTLY VALID REGISTRATION PLATES OR IS DISPLAYING REGISTRATION PLATES OF ANOTHER VEHICLE, IS DISABLED OR INOPERABLE, IS DISMANTLED OR PARTIALLY DISMANTLED, IS SUBSTANTIALLY DAMAGED OR IN DISREPAIR SHALL BE DEEMED TO BE AN ABANDONED VEHICLE AND MAY BE TAKEN INTO CUSTODY BY THE TOWN OF EMMITSBURG AFTER PROVIDING THE OWNER WITH ADEQUATE NOTIFICATION SUCH AS POSTING PROMINENT NOTIFICATION ON THE VEHICLE AND IF POSSIBLE A CERTIFIED LETTER TO THE LAST OWNER ON RECORD WITH THE MOTOR VEHICLE ADMINISTRATION (IF THE OWNER CAN BE LOCATED) WITH RETURN RECEIPT REQUESTED.**

[10.12.030—Special parking.]

- A. [~~The town may grant special parking permits to all doctors of medicine, surgeons, persons conducting hotels and such other persons in connection with the operation of their business as the board of commissioners shall think proper. All persons desiring special parking permits shall make application to the board of commissioners, in writing, describing the location of the premises and the purpose for which the special parking privilege is desired.~~]
- B. [~~Each application shall be accompanied by a check in the sum of ten dollars (\$10.00), to provide for a space sufficient for one vehicle, payable to the town as a fee for such privilege for a period of one year from the date of issuance of the special parking permit.~~]
- C. [~~Whenever any such special privilege is granted by the board of commissioners, a permit shall be issued to the applicant, signed by the mayor, designating the name of the person to whom the permit is granted, the number of the permit, the date of the issuance thereof, the date when the permit will expire, the amount paid thereon, the purpose for which it is granted and the location of the premises where the special permit is allowed. A copy of such permit shall be retained in the office of the mayor as a matter of record.~~]
- D. [~~The curb along the premises where the special parking privilege is granted shall be appropriately marked by the town indicating the length of the space of the special parking privilege along the property, and a metal tag shall be affixed to the premises where the permit is issued, showing the number of the special parking permit.~~]
- E. [~~Permits issued to doctors of medicine, surgeons and others shall authorize the use of the space indicated in the permit at all times during the business hours of the person to whom the permit is granted, except when the town may desire to clear the streets of vehicles.~~]
- F. [~~It is unlawful for any person to occupy any space where a special parking permit has been granted, other than the person to whom the permit is issued, or his patients or patrons, during such business hours. It is unlawful for any person to paint any special parking signs on the curb or highway, or erect or place any such signs along the sidewalks, except with the consent of the board of commissioners. It is unlawful for any person to injure or remove any metal special parking permit attached to any building without the consent of the town or to paint over or deface any marked special parking space.~~]

#### **10.12.030 – REPAIR WORK PERFORMED ON VEHICLES**

**IT IS UNLAWFUL TO PERFORM ANY REPAIR OR WORK OF ANY NATURE ON ANY VEHICLE, EXCEPT THAT OF AN EMERGENCY OR MINOR NATURE (SUCH AS THE CHANGING OF A FLAT TIRE OR THE REPLACING OF A BATTERY), WHILE SAID VEHICLE IS PARKED OR LOCATED ON ANY STREET, AVENUE, WAY, ALLEY, TOWN PARKING LOT OR ANY PART OF A PUBLIC RIGHT-OF-WAY FOR MORE THAN FORTY-EIGHT (48) CONSECUTIVE HOURS WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF EMMITSBURG.**

**A VIOLATION OF THIS SECTION SHALL BE A MUNICIPAL INFRACTION PUNISHABLE BY A CITATION OF THIRTY DOLLARS (\$30.00) AND SHALL BE ENFORCEABLE PURSUANT TO THE APPLICABLE PROVISIONS OF TITLE 1. IN ADDITION THERETO, THE TOWN MAY PURSUE ANY OTHER REMEDY AVAILABLE TO IT, AT LAW OR IN EQUITY, INCLUDING INJUNCTIVE RELIEF, TO ENFORCE THIS SECTION OR CORRECT VIOLATIONS OF THIS SECTION.**

#### **10.12.040 - No-parking areas.**

The town may establish restricted areas on such portions of the streets of the town as it shall think proper, within which no parking of motor vehicles ~~-, animal-drawn vehicles or animals shall be allowed~~. Every such area shall be designated by painting the curb bordering thereon yellow. No vehicles, ~~[animal-drawn vehicles or animals]~~ shall be allowed to stand or park in any such restricted area for a longer time than actually necessary to take on or discharge passengers. No other signals or standards designating areas where parking is not allowed shall be erected without the express authority of the board of commissioners.

#### **10.12.041 – TEMPORARY NO PARKING SIGNS**

**WHENEVER NECESSARY FOR THE SAFETY OR CONTROL OF VEHICULAR OR PEDESTRIAN TRAFFIC OR FOR THE REGULATION OF THE USE OF PUBLIC PARKING AREAS, THE TOWN MANAGER OR HIS/HER DESIGNEE MAY DIRECT THE ERECTION OF TEMPORARY NO PARKING SIGNS DESIGNED TO CONTROL, REGULATE, WARN TRAFFIC, GUIDE TRAFFIC OR LIMIT PARKING ON PUBLIC STREETS, HIGHWAYS OR OTHER PUBLIC AREAS IN TOWN.**

**WHENEVER OFFICIAL TEMPORARY NO PARKING SIGNS ARE PLACED IN PUBLIC PARKING AREAS, SUCH SIGNS SHALL BE PRESUMED TO HAVE BEEN PLACED BY THE OFFICIAL ACT OR IN THE DIRECTION OF A LAWFUL AUTHORITY.**

**THE TEMPORARY SIGNS SHALL BE PROMPTLY REMOVED ONCE THE SITUATION, OCCURRENCE OR CIRCUMSTANCE WHICH GAVE RISE TO THE NECESSITY OF POSTING THE SIGNS HAS SUFFICIENTLY ENDED.**



**ANY PERSON WHO SHALL DEFACE, INJURE OR REMOVE ANY TEMPORARY NO PARKING SIGNS LEGALLY POSTED AS PROVIDED IN THIS SECTION WITHOUT AUTHORIZATION FROM THE TOWN MANAGER OR HIS/HER DESIGNEE SHALL BE PUNISHED BY A FINE NOT TO EXCEED ONE HUNDRED DOLLARS (\$100.00) PER DAY PER OCCURRENCE.**

10.12.050 - Angular parking.

*{Unchanged}*

10.12.060 - Parallel parking.

- A. All motor [~~and animal-driven~~] vehicles when standing on any of the streets of the town shall be parked with their right [~~sides~~] **SIDE/PASSENGER** to the curb, lengthwise with and parallel to the side of the street in which they may be, and the wheels of any such vehicle next to the sidewalk shall not project in the street for a distance of more than twelve (12) inches from the curb.
- B. It is unlawful to stand any such vehicle across any street in the town, or in any other position except lengthwise with and parallel to the side of the street in which it may be; provided, that any such vehicle, during the time of loading or unloading, in the daytime may stand in a position convenient therefor.
- C. This section shall not apply to vehicles parked on certain portions of designated streets at an angle with the curb, nor shall it apply to parking on one-way streets.

10.12.070 - Obstructing thoroughfares.

*{Unchanged}*

10.12.080 - Double parking.

*{Unchanged}*

10.12.090 - Two-hour parking.

It is unlawful for any person, except persons to whom [~~special parking privileges~~] **PARKING PERMITS AND PARKING SIGNS** have been granted [~~or reserved,~~] to place, stand or park any motor vehicle or other conveyance for more than two hours at any time on any of the following streets:

- A. East Main Street, except where meters are installed;
- B. West Main Street, except where meters are installed;
- [~~C. Federal Street or Broad Alley.~~]

10.12.100 - Parking lots.

*{Unchanged}*

10.12.110 - Parking on public streets.

It is unlawful to park any vehicle of any description upon the streets of the town for a period of time of ~~[twenty-four (24)]~~ forty eight (48) consecutive hours.

10.12.120 - Parking prohibited during snow emergency—designated roads.

*{Unchanged}*

10.12.130 - Violations—Penalties.

- A. Violation of any of the sections enumerated in subsection (B) of this section shall be a municipal infraction.
- B. Fines, pursuant to a parking citation policy to be established and from time to time updated by the ~~[mayor and board of town commissioners]~~ **MAYOR AND BOARD OF COMMISSIONERS** shall be assessed against the operators and/or owners of automobiles who violate certain provisions of Chapter 10.12.
  - 1. ~~[Parking within fifteen (15) feet of a fire hydrant; every twenty-four (24) hours in violation of the section counts as a separate offense and may be fined accordingly;]~~
  - 2. ~~[Parking in restricted zone; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;]~~
  - 3. ~~[Failure to park between lines; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;]~~
  - 4. ~~[Parking in crosswalk; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;]~~
  - 5. ~~[Parking on sidewalk; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;]~~
  - 6. ~~[Parked blocking driveway; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;]~~
  - 7. ~~[Parking so as to obstruct street or highway; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;]~~
  - 8. ~~[Overtime parking; every two hours in violation of this section counts as a separate offense and may be fined accordingly;]~~
  - 9. ~~[Parking on any street for a period of twenty-four (24) consecutive hours; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fine accordingly.]~~
  - 1. **PARKING ON A SIDEWALK OR PARKED STRADDLING A CURB EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNTS AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**



2. **PARKED BLOCKING DRIVEWAY ENTRANCES EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNTS AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
3. **PARKED BLOCKING PUBLIC OR PRIVATE DRIVEWAY ENTRANCES EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNTS AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
4. **PARKING WITHIN FIFTEEN (15) FEET OF A FIRE HYDRANT; EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNTS AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
5. **PARKING WITHIN TWENTY (20) FEET OF A CROSSWALK AT AN INTERSECTION; EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNTS AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
6. **PARKING WITHIN TWENTY-FIVE (25) FEET OF A STOP SIGN; EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNTS AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
7. **PARKING WITHIN TWENTY (20) FEET OF AN INTERSECTION; EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNTS AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
8. **PARKED AT SIGNS PROHIBITING PARKING; EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNT AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
9. **PARKING IN A HANDICAPPED SPACE; EVERY TWO (2) HOURS IN VIOLATION OF THIS SECTION COUNT AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
10. **PARKED IN A FIRE LANE; EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNT AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
11. **PARKED ON ANY BRIDGE OR ELEVATED STRUCTURE; EVERY (24) HOURS OF THIS SECTION COUNT AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
12. **DOUBLE PARKING; EVERY TWENTY-FOUR (24) HOURS OF THIS SECTION COUNT AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**

- 13. PARKING OTHER THAN WITHIN THE LINES OR MARKINGS ON THE STREET OR IN A TOWN PARKING LOT; EVERY TWENTY-FOUR (24) HOURS COUNT AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
  - 14. PARKING ON THE STREET FOR A PERIOD OF FORTY-EIGHT (48) CONSECUTIVE HOURS; EVERY FORTY-EIGHT (48) HOURS OF THIS SECTION COUNT AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
  - 15. PARKING AT A PARKING METER IF THE TIME DESIGNATION HAS SHOWN THE METER HAS EXPIRED; EVERY TWO (2) HOURS OF THIS SECTION COUNT AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
  - 16. PARKING IN VIOLATION OF A VALID SIGN THAT LIMITS OR RESTRICTS PARKING BASED ON A DESIGNATED TIME, TIME OF DAY AND/OR DAYS OF THE WEEK; EVERY TWENTY-FOUR (24) HOURS OF THIS SECTION AND MAY BE FINED ACCORDINGLY;**
  - 17. LEFT SIDE PARKING; PARKING A VEHICLE OTHER THAN THE RIGHT SIDE/ PASSENGER SIDE TO THE CURB; EVERY TWENTY-FOUR (24) HOURS OF THIS SECTION AND MAY BE FINED ACCORDINGLY;**
  - 18. PARKING DURING A SNOW EMERGENCY IN VIOLATION OF 10.12.120; EVERY TWENTY-FOUR (24) HOURS OF THIS SECTION AND MAY BE FINED ACCORDINGLY.**
- C. A police officer, or ~~[municipal code enforcer]~~ **PARKING ENFORCEMENT OFFICER**, upon observing a vehicle parked in violation of any of the sections of Chapter 10.12 enumerated in subsection (B) of this section, shall attach to such vehicle a citation informing the owner or operator of the violation, setting forth the amount of the fine and instructing the owner or operator of the vehicle to pay the fine at the town hall within twenty (20) days from the issuance of the citation or to notify the town clerk within fifteen (15) days from the issuance of the citation of his or her intent to stand trial for the infraction.
- ~~[D. Amounts of fines according to the parking citation policy.]~~
- D. ALL PARKING CITATIONS ARE TO BE PAID IN FULL TO THE TOWN AT ANY OF THE FOLLOWING LOCATIONS OR IN THE FOLLOWING MANNERS:**
- 1. IN PERSON, BY CASH, CHECK OR CREDIT CARD, AT THE EMMITSBURG TOWN OFFICE LOCATED AT 300A SOUTH SETON AVENUE EMMITSBURG MARYLAND 21727, 2ND FLOOR.**
  - 2. BY MAILING THE PAYMENT TO THE EMMITSBURG TOWN OFFICE AT 300A SOUTH SETON AVENUE EMMITSBURG MD 21727.**



3. **BY PLACING THE PAYMENT IN THE DROP-BOX LOCATED IN THE FRONT OF THE OLD TOWN OFFICE BUILDING AT 22 EAST MAIN STREET.**
4. **BY PLACING THE PAYMENT IN THE RED DROP-BOX LOCATED ON THE NORTHEAST CORNER OF THE SQUARE.**
- E. **IF THE CITATION FINE IS NOT PAID WITHIN THE ALLOTTED TIME FRAME OR THE VIOLATION IS NOT ADJUDICATED IN COURT, THE REGISTRATION TAGS OF THE VEHICLE CITED MAY BE ENTERED INTO THE MARYLAND MOTOR VEHICLE REGISTRATION FLAGGING PROGRAM.**

[1. ~~Parking during a snow emergency in violation of Section 10.12.120.~~]

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this Ordinance shall take effect on the 1<sup>st</sup> day of August, 2018 after the Mayor approves the Ordinance after passing by the Board of Commissioners or after the Board of Commissioners passes the Ordinance over the veto of the Mayor.


**PASSED** this 4<sup>th</sup> day of June, 2018

by a vote of 5 for, 0 against, 0 absent, and 0 abstain.

ATTEST:

  
\_\_\_\_\_  
Madeline Shaw, Town Clerk


EMMITSBURG BOARD OF COMMISSIONERS:

  
\_\_\_\_\_  
Timothy O'Donnell, President

**MAYOR**

✓ APPROVED        VETOED

this 4<sup>th</sup> day of June, 2018.

  
\_\_\_\_\_  
Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk  
Date: